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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

JEFFREY LLOYD and LAWRENCE
KAUFMANN, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

J.P. MORGAN CHASE & CO. and CHASE
INVESTMENT SERVICES CORP.,

Defendants.

No. 11 Civ. 9305 (LTS)

KENNETH CIULLO, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

J.P. MORGAN CHASE & CO. and CHASE
INVESTMENT SERVICES CORP.,

Defendants.

No. 12 Civ. 2197 (LTS)

**SUPPLEMENTAL DECLARATION OF RACHEL BIEN IN SUPPORT OF
PLAINTIFFS' MOTION FOR CONDITIONAL CERTIFICATION
AND COURT-AUTHORIZED NOTICE
PURSUANT TO SECTION 216(b) OF THE FLSA**

I, Rachel Bien, declare as follows:

1. I am a partner at Outten & Golden LLP (“O&G”) in New York, New York, which, together with Lovell Stewart Halebian Jacobson LLP, represents the Plaintiffs in this matter.

2. I have been one of the lawyers primarily responsible for the prosecution of Plaintiffs’ claims in this case.

3. I make these statements based on personal knowledge and would so testify if called as a witness at trial.

Progress of Discovery

4. Discovery is far from complete in this case. The current discovery deadline is July 31, 2013.

5. Of the 68,484 pages of documents produced by Chase thus far, over 63,000 consist of emails and their attachments from the Chase email accounts of two of the named Plaintiffs, Jeffrey Lloyd and Kenneth Ciullo, and of opt-in Plaintiff Joshua Strouse.

6. Chase did not search the email accounts of Lloyd, Ciullo, or Strouse for responsive documents, and instead produced their entire contents to Plaintiffs to sort through.

7. Chase has refused to produce any discovery for Plaintiff Kaufmann and the 8 opt-in Plaintiffs against whom it has moved to compel arbitration, other than producing the arbitration agreements that they contend these Plaintiffs signed. On March 27, 2013, Plaintiffs met and conferred with Chase in an effort to avoid moving to compel this discovery and Chase agreed to reconsider its position but has not yet produced any outstanding documents.

8. Other than the emails from the accounts of Plaintiffs Lloyd, Ciullo, and Strouse, Chase has not undertaken any email discovery responsive to Plaintiffs’ document requests. The

parties also met and conferred on this issue and Plaintiffs have proposed an initial set of custodians for email searches.

9. During their meet and confer, Plaintiffs identified several categories of documents that Chase had not produced, including FA job descriptions and requisitions, corporate organizational charts, and the names and contact information of individuals who supervised the Plaintiffs. Chase agreed to follow up on these items but has not yet produced the documents.

10. Chase did not identify the names of witnesses with knowledge of the claims and defenses in response to Plaintiffs' interrogatories, which Plaintiffs served on October 2, 2012, until February 25, 2013, after Plaintiffs sent a follow-up letter and met and conferred with Chase, insisting that Chase provide them with the witnesses' names and not just generic descriptions of their roles.

11. Chase did not disclose the identities of the Financial Advisors and Financial Advisor Associates who submitted declarations in support of its opposition or produce their declarations, even though the declarations were covered by Plaintiffs' discovery demands. Plaintiffs specifically asked Chase in a March 15, 2013 letter to continue to supplement their document production with any responsive declarations and asked them during a meet and confer session on March 27, 2013 whether there were any declarations that were not produced. Chase's counsel said that everything had been produced.

Exhibits

12. Attached hereto as **Exhibit T** is a true and correct copy of relevant excerpts of the deposition transcript of Kenneth Ciullo, dated March 14, 2013 ("Ciullo Dep.").

13. Attached hereto as **Exhibit U** is a true and correct copy of relevant excerpts of the deposition of Jeffrey Lloyd, dated March 6, 2013 ("Lloyd Dep.").

14. Attached hereto as **Exhibit V** is a true and correct copy of relevant excerpts of the deposition of Joshua Strouse, dated February 19, 2013 (“Strouse Dep. I”).

15. Attached hereto as **Exhibit W** is a true and correct copy of relevant excerpts of the continued deposition of Joshua Strouse, dated March 19, 2013 (“Strouse Dep. II”).

16. Attached hereto as **Exhibit X** is a true and correct copy of Chase’s Investor Profile Tutorial, which was marked as Exhibit 21 in the Deposition of Kenneth Ciullo, bearing Bates numbers LLOYD0001998-20013 (“Investor Profile Tutorial”).

17. Attached hereto as **Exhibit Y** is a true and correct copy of a document entitled “Welcome to Chase Investment Services Corp.,” which was marked as Exhibit 8 in the February 19, 2013 Deposition of Joshua Strouse, bearing Bates numbers LLOYD00020225-230 (“Welcome to Chase Investment Services Corp.”).

18. Attached hereto as **Exhibit Z** is a true and correct copy of an Investment Proposal, which was marked as Exhibit 17 in the Deposition of Jeffrey Lloyd, bearing Bates numbers LLOYD0008419 (“Lloyd Client Investment Proposal”).

19. Attached hereto as **Exhibit AA** is a true and correct copy of Defendants’ Objections and Responses to Plaintiffs’ Interrogatories, dated November 19, 2012 (“Defs.’ Response to Pls.’ Interrogatories”).

20. Attached hereto as **Exhibit BB** is a true and correct copy of an article from the New York Times entitled, “Selling the Home Brand: A Look Inside an Elite JP Morgan Unit,” dated March 2, 2013 (“N.Y. Times Article”).

I declare under penalty of perjury that the foregoing is true and correct.

Dated: April 12, 2013
New York, New York

Respectfully submitted,
OUTTEN & GOLDEN LLP
By:

/s/ Rachel Bien
Rachel Bien

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